

110TH CONGRESS  
1ST SESSION

# S. 100

To encourage the health of children in schools by promoting better nutrition and increased physical activity, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To encourage the health of children in schools by promoting better nutrition and increased physical activity, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Healthy Students Act  
5       of 2007”.

6       **SEC. 2. NUTRITIONAL REQUIREMENTS FOR SCHOOL**  
7       **LUNCHEES AND BREAKFASTS.**

8       (a) DIETARY GUIDELINES.—Section 9(a) of the  
9       Richard B. Russell National School Lunch Act (42 U.S.C.

1 1758(a)) is amended by striking paragraph (4) and insert-  
 2 ing the following:

3 “(4) DIETARY GUIDELINES.—

4 “(A) COMMISSION.—

5 “(i) IN GENERAL.—The Director of the  
 6 Centers for Disease Control and Prevention (re-  
 7 ferred to in this paragraph as the ‘Director’)  
 8 shall establish a Commission to Improve School  
 9 Meals (referred to in this paragraph as the  
 10 ‘Commission’).

11 “(ii) MEMBERSHIP.—The Director, in con-  
 12 sultation with the Secretary, shall appoint  
 13 members of the Commission from among indi-  
 14 viduals who are nutritionists, pediatricians, or  
 15 experts in nutrition and children’s health.

16 “(iii) DUTIES.—The Commission shall—

17 “(I) review the provisions of the most  
 18 recent Dietary Guidelines for Americans  
 19 published under section 301 of the Na-  
 20 tional Nutrition Monitoring and Related  
 21 Research Act of 1990 (7 U.S.C. 5341)  
 22 that are relevant for children;

23 “(II) evaluate the nutritional and die-  
 24 tary needs of school-age children and rec-

commend nutritional standards for establishing a healthy school nutrition program;

“(III) not later than 90 days after the date of enactment of the Healthy Students Act of 2007, develop new nutritional standards for the school lunch program under this Act (including the afterschool care program under section 17A), the summer food service program established under section 13, the child and adult care food program established under section 17 (other than the program under section 17(o)), and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

“(IV) evaluate compliance with and enforcement of the minimum nutritional requirements established under subparagraph (B).

“(iv) FOODS OF MINIMAL NUTRITIONAL VALUE.—

“(I) IN GENERAL.—The Commission shall update the definition of the term ‘food of minimal nutritional value’ in sections 210.11(a)(2) and 220.2(i–1) of title

7, Code of Federal Regulations (or successor regulations).

“(II) REQUIREMENT.—Nutritional standards developed under subclause (III) of clause (iii) shall prohibit food of minimal nutritional value from being included in school meals described in that subclause.

“(B) RULES.—Notwithstanding paragraph (2), subsection (f), and subsections (a) and (b) of section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779), not later than 90 days after nutritional standards are developed under subparagraph (A)(iii)(III), the Secretary shall promulgate and implement rules, based on the standards, that establish minimum nutritional requirements for food served under the programs described in subparagraph (A)(iii)(III).”.

(b) COMPUTATION OF ADJUSTMENT.—Section 11(a)(3)(B)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)(i)) is amended—

(1) by striking “reflect changes” and inserting

“reflect—

“(I) changes;”.

1           (2) by striking the period at the end and insert-  
2           ing “; and”; and

3           (3) by adding at the end the following:

4                               “(I) any increased cost due to  
5                               the costs of compliance with minimum  
6                               nutritional requirements established  
7                               under section 9(a)(4)(B).”.

8   **SEC. 3. SCHOOL NUTRITION PILOT PROGRAM.**

9           Section 18 of the Richard B. Russell National School  
10   Lunch Act (42 U.S.C. 1769) is amended by adding at the  
11   end the following:

12           “(I) SCHOOL NUTRITION PILOT PROGRAM.—

13                       “(1) IN GENERAL.—The Secretary shall carry  
14                       out a pilot program under which the Secretary shall  
15                       provide grants to school districts or nonprofit orga-  
16                       nizations for schools participating in the school  
17                       lunch program under this Act or the school break-  
18                       fast program established by section 4 of the Child  
19                       Nutrition Act of 1966 (42 U.S.C. 1773) that pro-  
20                       mote healthy alternatives for students.

21                       “(2) USES.—A grant provided under this sub-  
22                       section may be used—

23                               “(A) to provide an alternative of organic  
24                               foods in the meals served under programs de-  
25                               scribed in paragraph (1) to students;

1           “(B) to promote healthy food education in  
2           the school curriculum;

3           “(C) to carry out garden to kitchen or seed  
4           to table programs; or

5           “(D) to provide professional development  
6           for teachers to carry out programs that pro-  
7           mote healthy alternatives for students.

8           “(3) ADMINISTRATION.—In providing grants  
9           under the pilot program, the Secretary shall give a  
10          preference to programs that promote healthy alter-  
11          natives for students that can be replicated in  
12          schools.

13          “(4) STUDY; REPORT.—

14               “(A) STUDY.—During the period in which  
15               grant funds are used by schools under this sub-  
16               section, the Secretary shall conduct a study of  
17               the pilot program.

18               “(B) REPORT.—Not later than 90 days  
19               after the date on which the study is completed  
20               under subparagraph (A), the Secretary shall  
21               submit to the Committee on Agriculture, Nutri-  
22               tion, and Forestry of the Senate and the Com-  
23               mittee on Agriculture of the House of Rep-  
24               resentatives a report that describes the results  
25               of the study.

1           “(5) AUTHORIZATION OF APPROPRIATIONS.—

2           There is authorized to be appropriated to carry out  
3           this subsection \$5,000,000.”.

4   **SEC. 4. HEALTHY HOUR PILOT PROGRAM.**

5           (a) DEFINITION OF ELIGIBLE SCHOOL.—In this sec-  
6           tion, the term “eligible school” means an elementary  
7           school or secondary school, as such terms are defined in  
8           section 9101 of the Elementary and Secondary Education  
9           Act of 1965 (20 U.S.C. 7801).

10          (b) PILOT PROGRAM.—From amounts appropriated  
11          for this section, the Secretary of Education shall award,  
12          on a competitive basis, grants to eligible schools to enable  
13          the eligible schools to carry out Healthy Hour pilot pro-  
14          grams described in subsection (d).

15          (c) APPLICATION.—An eligible school desiring a  
16          grant under this section shall submit an application to the  
17          Secretary of Education at such time, in such manner, and  
18          containing such information as the Secretary may require.

19          (d) GRANT ACTIVITIES.—An eligible school receiving  
20          a grant under this section shall use grant funds to carry  
21          out a Healthy Hour pilot program by increasing the length  
22          of each school day by an hour, which hour—

23                 (1) shall be used exclusively for physical activ-  
24                 ity; and

1           (2) may occur at any time during the school  
2       day.

3       (e) REPORTS.—

4           (1) SCHOOL REPORT.—Not later than 90 days  
5       after the last day of the grant period for a grant  
6       under this section, a school receiving a grant under  
7       this section shall prepare and submit a report to the  
8       Secretary of Education regarding the success of the  
9       pilot program assisted by the grant.

10          (2) SECRETARY REPORT.—Not later than 90  
11       days after receiving all reports described in para-  
12       graph (1), the Secretary of Education shall prepare  
13       and submit to Congress a report regarding the re-  
14       sults of the pilot programs assisted by grants under  
15       this section.

16   **SEC. 5. LOAN FORGIVENESS FOR SCHOOL NURSES.**

17       Part E of title VIII of the Public Health Service Act  
18   (42 U.S.C. 297a et seq.) is amended—

19           (1) by redesignating sections 842, 846, 846A,  
20       and 810 as sections 840A, 840B, 840D, and 840E,  
21       respectively; and

22           (2) by inserting after section 840B (as redesign-  
23       nated by paragraph (1)) the following:



1 **“SEC. 840C. LOAN FORGIVENESS FOR SCHOOL NURSES.**

2       “(a) IN GENERAL.—The Secretary shall carry out a  
3 program of making payments in accordance with sub-  
4 section (b), for and on behalf of an eligible nurse who en-  
5 ters into an agreement with the Secretary to be employed  
6 as a full-time school nurse in an elementary school or sec-  
7 ondary school for 3 complete school years.

8       “(b) PAYMENTS.—The payments described in sub-  
9 section (a) shall be made by the Secretary as follows:

10           “(1) Upon completion by the eligible nurse for  
11 whom the payments are to be made of the first year  
12 of employment pursuant to the agreement described  
13 in subsection (a), the Secretary shall pay 30 percent  
14 of the principal of, and the interest on, each quali-  
15 fied loan of such eligible nurse which is outstanding  
16 on the date the eligible nurse began such employ-  
17 ment.

18           “(2) Upon completion by the eligible nurse of  
19 the second year of such employment, the Secretary  
20 shall pay another 30 percent of the principal of, and  
21 the interest on, each such loan.

22           “(3) Upon completion by the eligible nurse of  
23 the third year of such service, the Secretary shall  
24 pay another 40 percent of the principal of, and the  
25 interest on, each such loan.

1       “(c) LIMITATION.—The total amount paid for and on  
2   behalf of any eligible nurse under the program under this  
3   section shall not exceed \$50,000.

4       “(d) APPLICATION FOR REPAYMENT.—Each eligible  
5   nurse desiring loan repayment under this section shall  
6   submit to the Secretary an application at such time, in  
7   such manner, and containing such information as the Sec-  
8   retary may require.

9       “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
10   tion shall be construed to authorize the refunding of any  
11   repayment of a qualified loan.

12       “(f) DEFINITIONS.—In this section:

13           “(1) ELEMENTARY SCHOOL; SECONDARY  
14   SCHOOL.—The terms ‘elementary school’ and ‘sec-  
15   ondary school’ have the meanings given the terms in  
16   section 9101 of the Elementary and Secondary Edu-  
17   cation Act of 1965 (20 U.S.C. 7801).

18           “(2) ELIGIBLE NURSE.—The term ‘eligible  
19   nurse’ means an individual who—

20                   “(A) is a registered nurse;

21                   “(B) has received a baccalaureate degree  
22   in nursing from an accredited collegiate school  
23   of nursing; and

24                   “(C) has any credential that is required in  
25   order to work as a school nurse in an elemen-

1           tary school or secondary school by the State in  
 2           which the individual is employed pursuant to  
 3           the agreement described in subsection (a).

4           “(3) QUALIFIED LOAN.—The term ‘qualified  
 5           loan’ means a loan from a loan fund established  
 6           under this part or any other educational loan for  
 7           nurse training costs, including a loan made, insured,  
 8           or guaranteed under part B or part D of title IV of  
 9           the Higher Education Act of 1965 (20 U.S.C. 1071  
 10          et seq., 1087 et seq.).

11          “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
 12          is authorized to be appropriated to carry out this section  
 13          such sums as may be necessary.”.

14   **SEC. 6. CONTRIBUTIONS OF GYM EQUIPMENT FOR ELE-**  
 15                   **MENTARY AND SECONDARY SCHOOL PUR-**  
 16                   **POSES.**

17          (a) IN GENERAL.—Subsection (e) of section 170 of  
 18          the Internal Revenue Code of 1986, as amended by the  
 19          Pension Protection Act of 2006, is amended by adding at  
 20          the end the following new paragraph:

21               “(8) SPECIAL RULE FOR CONTRIBUTIONS OF  
 22               EXERCISE AND GYMNASIUM EQUIPMENT FOR EDU-  
 23               CATIONAL PURPOSES.—

24               “(A) LIMIT ON REDUCTION.—In the case  
 25               of a qualified gymnasium contribution, the re-

duction under paragraph (1)(A) shall be no greater than the amount determined under paragraph (3)(B).

“(B) QUALIFIED GYMNASIUM CONTRIBUTION.—For purposes of this paragraph, the term ‘qualified gymnasium contribution’ means a charitable contribution by a corporation of any exercise or gymnasium equipment, but only if—

“(i) the contribution is to—

“(I) an educational organization described in subsection (b)(1)(A)(ii), or

“(II) an entity described in section 501(c)(3) and exempt from tax under section 501(a) (other than an entity described in subclause (I)) that is organized primarily for purposes of supporting the physical activity of children attending elementary and secondary educational institutions,

“(ii) the contribution is made not later than 3 years after the date the taxpayer acquired the property (or in the case of property constructed by the taxpayer,

1 the date the construction of the property is  
 2 substantially completed),

3 “(iii) the original use of the property  
 4 is by the donor or the donee,

5 “(iv) the property is not transferred  
 6 by the donee in exchange for money, other  
 7 property, or services, except for shipping,  
 8 installation and transfer costs,

9 “(v) the donee’s use and disposition of  
 10 the property will be in accordance with the  
 11 provisions of clause (iv), and

12 “(vi) the property meets such stand-  
 13 ards, if any, as the Secretary may pre-  
 14 scribe by regulation to assure that the  
 15 property meets minimum functionality and  
 16 suitability standards.

17 “(C) CONTRIBUTION TO PRIVATE FOUNDA-  
 18 TION.—A contribution by a corporation of any  
 19 exercise or gymnasium equipment to a private  
 20 foundation (as defined in section 509) shall be  
 21 treated as a qualified gymnasium contribution  
 22 for purposes of this paragraph if—

23 “(i) the contribution to the private  
 24 foundation satisfies the requirements of

1 clauses (ii) and (iv) of subparagraph (B),  
 2 and

3 “(ii) within 30 days after such con-  
 4 tribution, the private foundation—

5 “(I) contributes the property to a  
 6 donee described in clause (i) of sub-  
 7 paragraph (B) that satisfies the re-  
 8 quirements of clauses (iv) and (v) of  
 9 subparagraph (B), and

10 “(II) notifies the donor of such  
 11 contribution.

12 “(D) DONATIONS OF PROPERTY REAC-  
 13 QUIRED BY MANUFACTURER.—In the case of  
 14 property which is reacquired by the person who  
 15 constructed the property—

16 “(i) subparagraph (B)(ii) shall be ap-  
 17 plied to a contribution of such property by  
 18 such person by taking into account the  
 19 date that the original construction of the  
 20 property was substantially completed, and

21 “(ii) subparagraph (B)(iii) shall not  
 22 apply to such contribution.

23 “(E) SPECIAL RULE RELATING TO CON-  
 24 STRUCTION OF PROPERTY.—For the purposes

1 of this paragraph, the rules of paragraph (4)(C)  
2 shall apply.

3 “(F) DEFINITIONS.—For the purposes of  
4 this paragraph—

5 “(i) EXERCISE OR GYMNASIUM EQUIP-  
6 MENT.—The term ‘exercise or gymnasium  
7 equipment’ means equipment used for  
8 physical activity.

9 “(ii) CORPORATION.—The term ‘cor-  
10 poration’ has the meaning given to such  
11 term by paragraph (4)(D).”.

12 (b) EFFECTIVE DATE.—The amendment made by  
13 this section shall apply to contributions made in taxable  
14 years ending after the date of the enactment of this Act.

○